Military Sexual Assault: Chronology of Activity in Congress and Related Resources

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Summary

This report focuses on activity in Congress regarding recent high profile incidents of sexual assault in the military. Included are separate sections on the official responses related to these incidents by the Department of Defense (DOD), the Administration, and Congress including legislation in the 113th Congress. The last section is a resource guide for sources in this report and related materials on sexual assault and prevention.

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Introduction

There have been numerous reports recently in the media on sexual assault incidents in the U.S. armed services. In many cases, such reports were followed by questions on what actions the Department of Defense (DOD), the Administration, and Congress have taken to address the issue. This report lists a comprehensive chronology of official activities in response to incidents of military sexual assault, as well as legislative action on the issue. The report is divided into three sections: the Department of Defense (DOD) and the Administration's actions, Congressional action, and legislation in the 113th Congress, as well as a resources section with citations and links to related articles, hearings, and reports. Information in this report was compiled from official government websites such as the Department of Defense, the White House, Veterans Affairs (VA), and the Legislative Information Service (LIS) at http://www.congress.gov.

Department of Defense and the Administration's Actions

June 13, 2012 – DOD announced Army Major General Gary S. Patton as the new director of the Sexual Assault Prevention and Response Office (SAPRO).[1]

September 25, 2012 – As part of the DOD's efforts to confront the crime of sexual assault in the military, then Secretary of Defense Leon Panetta announced improvements to prospective commander and senior enlisted training and a review of the initial military training environment in every service.[2] The full text of the *Evaluation of Pre-Command Sexual Assault Prevention and Response Training* report and Secretary Panetta's directives are available at http://www.sapr.mil/index.php/training/training-servicemembers-and-commanders.

December 21, 2012 – DOD released key findings from the *Academic Program Year (APY) 2011-2012 Report on Sexual Harassment and Violence at the United States Military Service Academies*.[3] According to this report, the overall rate of unwanted sexual contact increased in all three military academies. Compared to 2011, the Air Force Academy in Colorado showed the largest increase in sexual assaults from 33 to 52 in 2012. Sexual assaults at the Naval Academy in Annapolis, MD, increased from 11 to 15, and the numbers were up at West Point, NY, from 10 to 13 in 2012.[4]

January 18, 2013 – DOD announced the release of the *2012 Workplace and Gender Relations Survey of Reserve Component Members*. This report included rates of unwanted sexual contact,

[1] "New Sexual Assault Prevention and Response Director Named, " DOD News, June 13, 2012, at http://www.defense.gov/releases/release.aspx?releaseid=15366

[2] "Department of Defense Expands Sexual Assault Prevention Efforts," DOD News, September 25, 2012, at http://www.defense.gov/releases/release.aspx?releaseid=15585

[3] "DOD Evaluates Sexual Harassment and Prevention Response Efforts at Military Academies," DOD News, December 21, 2012, at http://www.defense.gov/releases/release.aspx?releaseid=15756

[4] "Defense Department Press Briefing via Teleconference with Maj. Gen Patton and Lt. Col. Galbreath on the Annual Military Academy Sexual Assault Report," DOD News Transcript, December 21, 2012, at http://www.defense.gov/transcripts/transcript.aspx?transcriptid=5170

unwanted gender-related behaviors (i.e., sexual harassment and sexist behavior), and gender discriminatory behaviors and sex discrimination reported by survey respondents during the past 12 months.

March 7, 2013 – Defense Secretary Chuck Hagel, in a letter responding to Members of Congress, wrote that an internal review was being conducted of a decision by a senior Air Force commander, Lt. Gen. Craig Franklin, to overturn the sexual assault conviction of an Air Force fighter pilot, Lt. Col. James Wilkerson. Colonel Wilkerson was found guilty in November 2012 of aggravated sexual assault and was sentenced to one year in military prison. Lt. General Franklin's decision to overturn the findings of the court-martial freed Colonel Wilkerson, and allowed him to be reinstated in the Air Force. In his letter, Hagel said that while General Franklin's decision could not be overturned, he had asked Pentagon lawyers and the Secretary of the Air Force to review the way in which General Franklin decided the case. He also said he wanted a review of whether the military should change the way it handles sexual assault cases.

April 2, 2013 – Secretary Chuck Hagel stated in a message to all DOD personnel on Sexual Assault Awareness and Prevention Month that, "Together, we must work every day to instill a climate that does not tolerate or ignore sexist behavior, sexual harassment, or sexual assault. These have no place in the United States military and violate everything we stand for and the values we defend."[5]

April 8, 2013 – Secretary Hagel announced that DOD's Office of General Counsel will review Article 60 of the Uniform Code of Military Justice (UCMJ) after an Air Force officer's court-martial conviction for sexual assault was dismissed using the authority provided by Article 60.[6]

May 6, 2013 – The Office of the Secretary of Defense released a 24-page memorandum from Secretary Hagel to all heads of the military services regarding DOD's 2013 Sexual Assault Prevention and Response Strategy, and the release of the *Annual Report on Sexual Assault in the Military 2012* (2 volumes).[7] According to this report, in FY2012 (October 1, 2011, through September 30, 2012), the number of sexual assaults reported by members of the military rose 6% to 3,374 in 2012. An anonymous survey of military personnel showed the number of service members who had experienced unwanted sexual contact could be as many as 26,000 but most never reported the incidents. That number is an increase over the 19,000 estimated assaults in 2011. These reports involved offenses ranging from abusive sexual contact to rape.[8]

May 7, 2013 – In a DOD press briefing, Secretary of Defense Chuck Hagel and Major General Gary Patton, director of the Sexual Assault Prevention and Response Office, announced new series of actions to further DOD's sexual assault and prevention efforts. Hagel directed service chiefs to develop methods to hold all military commanders accountable for establishing command

[5] "Message to the Department of Defense from Secretary Chuck Hagel on Sexual Assault Awareness and Prevention Month," DOD News Release, April 2, 2013 at http://www.defense.gov/releases/release.aspx?releaseid=15903

[6] "Statement from Secretary Hagel on Sexual Assault Prevention and Response," DOD News Release, April 8, 2013, at http://www.defense.gov/releases/release.aspx?releaseid=15917

[7] Department of Defense, *Annual Report on Sexual Assault in the Military Fiscal Year 2012*, at http://www.sapr.mil/index.php/annual-reports

[8] Lolita C. Baldor and Donna Cassata, "Most Military Sexual Assault Cases Go Unreported," Military.com, May 8, 2013, at http://www.military.com/daily-news/2013/05/08/most-military-sexual-assault-cases-go-unreported.html

climates of dignity and respect in incorporating sexual assault prevention and victim care principles in their commands.[9]

May 7, 2013 – DOD announced the establishment of the Response Systems to Adult Sexual Assault Crimes Panel consisting of nine selected appointees. Secretary of Defense Hagel has appointed five members to serve on the response systems panel, who will join four members appointed by the chairman and ranking member of the Senate Armed Services Committee, and the chairman and ranking member of the House Armed Services Committee.[10] The panel is to convene its first meeting no later than July 1, 2013.

May 14, 2013 – The Army announced that an Army sergeant first class assigned to III Corps, Fort Hood, TX, was under investigation for pandering, abusive sexual contact, assault, and maltreatment of subordinates.[11]

May 15, 2013 – Returning from NATO meetings in Brussels, the Chairman of the Joint Chiefs of Staff, Army Gen. Martin E. Dempsey, told reporters that sexual assault in the Armed Forces constitutes a crisis in the military. He further stated that "We're losing the confidence of the women who serve that we can solve this problem, and that's a crisis."[12]

May 16, 2013 – At the White House, President Obama met with senior military leaders on the issue of sexual assault in the U.S. Armed Forces. The President stated that not only is it "shameful and disgraceful" but also "dangerous to our national security."[13]

May 17, 2013 – During a press briefing, Defense Secretary Hagel and Chairman of the Joint Chiefs of Staff Army Gen. Martin Dempsey discussed their meeting with President Obama, Vice President Biden, and senior enlisted and officer leadership in the U.S. military. Dempsey told the Armed Forces Press Service that he believes that the long wars in Iraq and Afghanistan may be factors in the growing incidents of sexual assault. He also stated that: "If a perpetrator shows up at a court-martial with a rack of ribbons and has four deployments and a Purple Heart, there is certainly a risk that we might be a little too forgiving of that particular crime."[14]

May 17, 2013 – In an interview, Air Force Chief of Staff, Gen. Mark Walsh, said that sexual assaults in his branch of the military typically involve alcohol use and can be traced to a lack of respect for women. "We have a problem with respect for women that leads to many of the

[9] "Department of Defense Press Briefing with Secretary Hagel and Maj. Gen. Patton on the Department of Defense Sexual Assault Prevention and Response Strategy from the Pentagon," DOD Transcript, May 7, 2013, at http://www.defense.gov/transcripts/transcript.aspx?transcriptid=5233

[10] "DOD Announces Establishment of the Response Systems to Adult Sexual Assault Crimes Panel," DOD News Release, May 7, 2013, at http://www.defense.gov/releases/release.aspx?releaseid=15983

[11] "Army Announces Investigation at Fort Hood, Texas," DOD News Release, May 14, 2013, at http://www.defense.gov/releases/release.aspx?releaseid=16005

[12] Jim Garamone, "Dempsey: Sexual Assault Constitutes Crisis in Military," American Forces Press Service, May 15, 2013, at http://www.defense.gov/news/newsarticle.aspx?id=120054

[13] "Remarks by the President After Meeting on Sexual Assault in the Military," White House Press Office, May 15, 2013, at http://www.whitehouse.gov/the-press-office/2013/05/16/remarks-president-after-meeting-sexual-assault-military

[14] "Department of Defense News Briefing with Secretary Hagel and Gen. Dempsey from the Pentagon," DOD Transcripts, May 17, 2013 at http://www.defense.gov/transcripts/transcript.aspx?transcriptid=5241

situations that result in sexual assault in our Air Force," he told reporters in his Pentagon office.[15] Walsh further stated that combatting the crisis is his top priority and that he reviews every reported case of sexual assault. Last year, 792 cases were reported in the Air Force.

May 22, 2013 – The Pentagon announced that DOD's sexual assault prevention staff would be exempt from furloughs. According to Pentagon spokeswoman, Cynthia O. Smith, "The full-time civilians working these programs and implementing policies will not be furloughed. This will ensure responsive victim care and ensure all the programs recently directed by Secretary Hagel are implemented swiftly and efficiently."[16]

May 24, 2013 – President Obama addressed graduates of the U.S. Naval Academy in Annapolis, MD, and noted in his commencement speech that the misconduct of some in the military can endanger U.S. forces and undermine U.S. efforts to achieve security and peace worldwide. He further stated that those who commit sexual assault are not only committing a crime, they also "threaten the trust and discipline that make our military strong."[17]

May 25, 2013 – In a commencement speech at the U.S. Military Academy at West Point, NY, Defense Secretary Chuck Hagel told graduates that they must be the generation of leaders that will commit to building a culture of respect for every member of the military. He stated that sexual harassment and sexual assault in the military "are a profound betrayal of sacred oaths and sacred trusts." He also quoted President Obama's remarks at the Naval Academy when he said, "these crimes have no place in the greatest military on earth."[18]

May 30, 2013 – Pentagon officials reaffirmed DOD's commitment to fighting sexual assault by launching the Safe HelpRoom, http://SafeHelpline.org, a Sexual Assault Support Service for the DOD community. This new service allows victims to participate in moderated group chat sessions to connect with and support one another in a secure online environment. The Safe HelpRoom is in response to a need for peer support services identified by users of DOD's Safe Helpline for sexual assault victims.[19]

June 6, 2013 – In a speech at the 2013 Joint Women's Leadership Symposium, Navy Adm. James A. Winnefeld Jr., vice chairman of the Joint Chiefs of Staff, said plans to combat and eliminate sexual assault include a greater investment in specially trained sexual assault investigators and a push for more psychological, medical, and legal assistance for victims. "We're looking closely at implementing force-wide the Air Force's Special Victims Counsel Pilot Program," he said. "If it's working, I think we should use it."[20] The vice chairman also said officials will examine the

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[15] Robert Burns and Lolita C. Baldor, "General: Sex Abuse Trend Linked to Respect Issue," Associated Press, May 17, 2013, at http://www.military.com/daily-news/2013/05/17/general-sex-abuse-trend-linked-to-respect-issue.html

[16] Chris Carroll, "Hagel: No Furloughs for Sexual Assault Prevention Staff," *Stars and Stripes*, May 22, 2013, at http://www.stripes.com/hagel-no-furloughs-for-sexual-assault-prevention-staff-1.222114

[17] "Remarks by the President at the United States Naval Academy Commencement," White House Press Office, May 24, 2013, at http://www.whitehouse.gov/the-press-office/2013/05/24/remarks-president-united-states-naval-academy-commencement

[18] "United States Military Academy Commencement," As Delivered by Secretary of Defense Chuck Hagel, West Point, NY, Saturday, May 25, 2013, Office of the Assistant Secretary of Defense (Public Affairs) , May 25, 2013, at http://www.defense.gov/speeches/speech.aspx?speechid=1782

[19] Terri Moon Cronk, "Officials Reaffirm DOD's Commitment to Fighting Sexual Assault," American Forces Press Service, May 30, 2013, at http://www.defense.gov/news/newsarticle.aspx?id=120176

[20] Amaani Lyle, "Vice Chairman Lauds Women as Teammates, Decries Sexual Assault," American Forces Press (continued...)

scientific roots of behavioral factors associated with potential predators, which will assist sexual assault prevention efforts.[21]

June 7, 2013 – The Pentagon released a statement that Maj. Gen. Michael T. Harrison was suspended of his duties as the Commanding General of United States Army Japan and I Corps for failing in his duties as a commander to report or investigate an allegation of sexual assault.[22]

June 7, 2013 – Air Force officials announced Maj. Gen. Margaret H. Woodward has been assigned to direct the Air Force Sexual Assault Prevention and Response Office to replace Lt. Col. Jeffrey Krusinski, the former chief of the Air Force Sexual Assault Prevention and Response Program. He was arrested and charged by Arlington County, VA, police for allegedly being drunk and groping a woman in a parking lot one mile from the Pentagon. His trial date has been set for July 18. Last year, Maj. Gen. Woodward led the investigation of Air Force training in the wake of a sexual assault scandal centered at Lackland Air Force Base, Texas.[23]

June 24, 2013 – The Navy announced that it fired an officer from his job overseeing billions of dollars in information-technology contracts, citing the results of an inquiry into an "improper relationship."[24]

June 27, 2013 – Defense Secretary Hagel met in person with the Sexual Assault Response Systems Review Panel for the first time. According to the Pentagon, "the panel will conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving sexual assault and related offenses under the Uniform Code of Military Justice, and will develop recommendations to improve the effectiveness of those systems."[25] DOD established the panel in accordance with the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239, Sec. 576 (a)). Previously, Hagel held a teleconference with panel members.

July 9, 2013 – DOD Inspector General (IG) released its report, *Joint Warfighting and Readiness Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations*. The report evaluated the Military Criminal Investigative Organizations' (MCIOs') sexual assault investigations in 2010 to determine whether they were adequately investigated. The report found most MCIO investigations (89%) met or exceeded the investigative standards and returned only cases with significant deficiencies (11%) to the MCIOs for corrective action.[26]

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Service, June 6, 2013 at http://www.defense.gov/news/newsarticle.aspx?id=120232

[21] Ibid.

[22] "Army Suspends Major General," DOD News Release, June 7, 2013, at http://www.defense.gov/releases/release.aspx?releaseid=16083

[23] Chris Carroll, "Woodward to Lead AF Sex Assault Prevention Program," *Stars and Stripes*, June 7, 2013 at http://www.stripes.com/news/us/woodward-to-lead-af-sex-assault-prevention-program-1.224957

[24] Erik Slavin, "Navy Captain Relieved Over 'Improper Relationship,'" *Stars and Stripes*, Jun 25, 2013, http://www.military.com/daily-news/2013/06/25/navy-captain-relieved-over-improper-relationship.html?ESRC=eb.nl

[25] DOD News, "Hagel Meets With Sexual Assault Response Systems Review Panel," American Forces Press Service, June 27, 2013, at http://www.defense.gov/news/newsarticle.aspx?id=120375

[26] DOD Inspector General, *Joint Warfighting and Readiness Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations*, July 9, 2013, at http://www.dodig.mil/pubs/report_summary.cfm?id=5227

July 18, 2013 – The Air Force adopted two new measures to eliminate sexual assault from within the ranks, including requiring mandatory discharge for airmen, officer or enlisted, who commit sexual assault, and requiring the Air Force's most senior commanders to review actions taken on these cases.[27] In addition, the Air Force Academy is reviewing the results of a survey on sexual assault taken on June 24, 2013. Suggestions from survey respondents ranged from involving faculty with character coaching to a complete revamping of how the Air Force Academy trains its freshmen.[28]

July 18, 2013 – Secretary of the Navy Ray Mabus announced additional resources for investigators and a new initiative designed to enhance accountability and transparency across the Navy. Mabus approved nearly $10 million to hire more than 50 additional Naval Criminal Investigative Service (NCIS) Family and Sexual Violence Program personnel to shorten investigation times, and directed the Navy and Marine Corps to regularly publish online the results of each service's courts- martial.[29]

DOD Officials in Charge of Sexual Assault and Prevention

Secretary of Defense - Major General Gary S. Patton, Director of the Sexual Assault and Prevention and Response Office (SAPRO) at http://www.sapr.mil/

Air Force - Major General Margaret H. Woodward, Director of the Air Force Sexual Assault Prevention and Response Program (SAPR) at http://www.afpc.af.mil/library/sapr/index.asp

Army - Carolyn Collins (Civilian), Director, Army Sexual Harassment/Assault Response and Prevention (SHARP) Office at http://www.sexualassault.army.mil/

Navy - Jill Vines Loftus (Civilian), Director, Department of the Navy (DoN) Sexual Assault and Prevention and Response Office (SAPRO) at http://www.donsapro.navy.mil/

Marine Corps - Colonel Michael Hudson, Sexual Assault and Prevention and Response Branch Head at https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/MF/D_Sexual%20Assault%20Prevention

Source: DOD official websites for the Armed Services

Congressional Action and Legislation (113th Congress)

The following information was compiled using the Legislative Information Service (LIS), Congressional Quarterly (CQ.com), House.gov, Senate.gov, Roll Call, and Bloomberg (BGOV).

January 23, 2013 – The House Armed Services Committee held a hearing on sexual misconduct at Lackland Air Force Base in San Antonio, TX.

[27] Staff Sgt. David Salanitri, "Secretary of the Air Force Public Affairs Air Force Holding Airmen Accountable: Mandatory Discharge for Sexual Assault," Air Force, July 18, 2013, at http://www.af.mil/news/story.asp?id=123356421

[28] Don Branum, "Academy Reviewing Results of Sexual Assault Survey," Air Force Academy Public Affairs, July 18, 2013, at http://www.usafa.af.mil/news/story.asp?id=123356570

[29] Defense Media Activity - Navy, "SECNAV Announces New Initiatives to Help Combat Sexual Assault," July 18, 2013 at http://www.navy.mil/submit/display.asp?story_id=75447

January 25, 2013 – **H.R. 430**, Protect Our Military Trainees Act, was introduced. This legislation would amend the Uniform Code of Military Justice to protect new members of the Armed Forces who are undergoing basic training from the sexual advances of the members of the Armed Forces responsible for their instruction. It also requires that violators be punished as a court-martial may direct. On February 21, 2013, this bill was referred to the House Armed Services Committee, Subcommittee on Military Personnel.

February 13, 2013 – **H.R. 671**, the Ruth Moore Act of 2013, was introduced in the House, and related bill, **S. 294**, in the Senate. It was named for a Navy veteran who suffered depression and battled homelessness after she was raped twice by the same supervisor in 1987. This legislation directs the Secretary of Veterans Affairs (VA) in any case in which a veteran claims that a covered mental health condition was "incurred in or aggravated by military sexual trauma during active duty," to accept as sufficient proof of service-connection a diagnosis by a mental health professional including a "covered mental health condition" for post-traumatic stress disorder, anxiety, depression, or any other mental health diagnosis that the Secretary determines to be related to military sexual trauma (MST). It also requires the VA Secretary to report annually to Congress on covered claims submitted from 2014 to 2018.

March 5, 2013 – **H.R. 975**, the Servicemember Mental Health Review Act, was introduced. This bill would amend title 10, United States Code, to extend the duration of the Physical Disability Board of Review and to the expand the authority of such Board to review the separation of members of the Armed Forces on the basis of a mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder. This would include a review of those victims who have suffered military sexual trauma. On March 26, 2013, this bill was referred to the House Subcommittee on Military Personnel.

March 13, 2013 – **S. 548**, Military Sexual Assault Prevention Act of 2013, was introduced, read twice, and referred to the Senate Armed Services Committee. This legislation aims to amend title 10, United States Code, and to improve capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces.

March 13, 2013 – Victims of sexual assault in the military testified before a Senate panel examining the military's handling of sexual assault cases and stated that the "military justice system is broken." They urged Congress to make changes in the law that would stem the rape, sexual assault, and sexual harassment that they said are pervasive in the service branches.[30] Several male Navy veterans testified before the Senate Armed Service Committee's military personnel panel investigating sexual assaults in the military. One recounted that he was raped in 2000 by a higher-ranking petty officer aboard a submarine. He told the committee that he carries permanent shame not for the sexual assault but over how the Navy forced him to leave. He stated in his testimony, "I carry my discharge as an official and permanent symbol of shame, on top of the trauma of the physical attack, the retaliation and its aftermath."[31]

March 20, 2013 – **S. 628**, Servicemember Mental Health Review Act, was introduced, read twice and referred to the Committee on Armed Services. Related to **H.R. 975**, this bill would amend

[30] Richard Lardner and Donna Cassata, "Military Sexual Assault Victims Detail Humiliation," Associated Press, March 13, 2013, at http://www.military.com/daily-news/2013/03/13/military-sexual-assault-victims-detail-humiliation.html

[31] Rick Maze, "Sailor: Navy Compounded Shame After Sex Assault," *Navy Times*, March 13, 2013, at http://www.navytimes.com/article/20130313/NEWS05/303130018/Sailor-Navy-compounded-shame-after-sex-assault

title 10, United States Code, to extend the duration of the Physical Disability Board of Review and to the expand the authority of such Board to review the separation of members of the Armed Forces on the basis of a mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder. This would include a review of those victims who may have suffered military sexual trauma.

April 17, 2013 – **H.R. 1593**, Sexual Assault Training Oversight and Prevention (STOP) Act, was introduced. This bill seeks to amend title 10, United States Code, by establishing a Sexual Assault Oversight and Response Council and an enhanced Sexual Assault Oversight and Response Office "to improve the prevention of and response to sexual assault in the Armed Forces, and by requiring the appointment of a Director of Military Prosecutions for sexual-related offenses committed by a member of the Armed Forces." On May 6, 2013, the bill was referred to the House Subcommittee on Military Personnel.

April 26, 2013 – A U.S. senator reportedly put a hold on the nomination of Air Force Lt. Gen. Susan Helms, tapped to serve as vice commander of the U.S. Space Command. Earlier in February 2012, Gen. Helms rejected the recommendation of legal counsel and overturned the conviction of an Air Force captain who had been found guilty of aggravated sexual assault of a female lieutenant.[32]

May 7, 2013 – **S. 871**, Combating Military Sexual Assault Act of 2013, was introduced, read twice and referred to the Committee on Armed Services. This legislation aims to provide any victim with a special military lawyer who would assist them throughout the process, prohibit sexual contact between instructors and trainees during and within 30 days of completion of basic training or its equivalent, and ensure that sexual assault response coordinators are available to help members of the National Guard and Reserve.

May 7, 2013 – **H.R. 1864**, to amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault, was introduced and referred to the House Armed Services Committee. This bill requires the Inspector General of the Department of Defense (DOD), the Department of Homeland Security (DHS) with respect to the Coast Guard, or any of the military departments to investigate allegations of retaliatory personnel actions taken in response to making protected communications regarding alleged instances of rape, sexual assault, or other forms of sexual misconduct in violation of the Uniform Code of Military Justice.

May 7, 2013 – At the Senate Armed Services Committee, Subcommittee on Personnel hearing Gen. Mark Welsh, the Air Force's Chief of Staff, told the committee that he and Air Force Secretary Michael Donley were "appalled" by the charges against Lt. Col. Jeffrey Krusinski, branch chief of the Air Force's Sexual Assault and Prevention Office. He was arrested and charged by Arlington County, VA, police for allegedly being drunk and groping a woman in a parking lot one mile from the Pentagon. A judge has set a July 18 trial date for Krusinski. "Sexual assault prevention and response efforts are critically important to us," Welsh said. "It is unacceptable that this occurs anywhere, at any time, in our Air Force."[33]

[32] Donna Cassata, "Senator Puts Hold on AF General's Promotion," Associated Press, April 26, 2013, at http://www.military.com/daily-news/2013/04/26/senator-puts-hold-on-af-lt-generals-promotion.html

[33] Lolita C. Baldor and Donna Cassata, "Military Sex Assault Reports are up, Changes Ordered," *Army Times*, May 7, 2013, at http://www.armytimes.com/article/20130507/NEWS/305070017/Military-sex-assault-reports-up-changes-
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May 8, 2013 – **H.R. 1867**, the Better Enforcement for Sexual Assault Free Environments (BE SAFE) Act of 2013, was introduced, read twice, and referred to the House Armed Services Committee. This bill seeks to amend title 10, United States Code, "to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault." This bill would ensure those found guilty of rape, sexual assault, sodomy, or an attempt to commit any of those crimes, are—at a minimum—dismissed or dishonorably discharged from the military. The five-year statute of limitations within the military's justice system for sexual assault cases would be eliminated, and legal assistance services available to victims would be expanded.[34]

May 8, 2013 – In a hearing of the Defense Subcommittee of the Senate Appropriations Committee, senators questioned the Air Force's top leaders over rising sexual assaults in the military and the recent removal of more than a dozen officers from overseeing the country's most powerful nuclear missiles.[35] Some senators cited DOD statistics from the *Annual Report on Sexual Assault in the Military 2012* on the number of incidents of sexual assaults the same week Lt. Col. Jeffrey Krusinski, Chief of the Air Force's Sexual Assault Prevention and Response Branch, was arrested and charged with sexual battery.

May 9, 2013 – A hearing of the Defense Subcommittee of the House Appropriations Committee on the Air Force budget was held. Witnesses included Michael Donley, Secretary of the Air Force, and General Mark Welsh, Air Force Chief of Staff. Members of the committee questioned them on Defense Secretary Hagel's review of the decision by Lt. Gen. Craig Franklin to dismiss Lt. Col. James Wilkerson's sexual assault conviction.

May 14, 2013 – **H.Res. 213**, a bill to establish the "Special Committee on Sexual Assault and Abuse in the Armed Forces" was introduced. A bipartisan "Dear Colleague" memorandum urged support of this legislation referencing Gen. Martin Dempsey's denouncement of military sexual assault as a "crisis" and the need for Congress to address this problem in a "deeper, more comprehensive manner." This Special Committee would include 19 members appointed by the Speaker and Minority Leader, as well as chairman and ranking members of the committees on Armed Services, Appropriations, Judiciary, and Oversight and Government Reform.

May 14, 2013 – H.R. 1960, a bill to authorize appropriations for FY2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, was introduced. The FY2014 NDAA addresses the issue of sexual assault in the military by establishing minimum sentencing guidelines for any service members found guilty of sexual assault.

May 15, 2013 – **H.R. 1986**, Sexual Assault Nurse Examiner (SANE) Deployment Act, was introduced. This bill would provide for the assignment of Sexual Assault Nurse Examiners-

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[34] Megan Scully, "Pressure Building to Address Military Sexual Assault in Defense Bill," *Roll Call*, May 9, 2013, http://www.rollcall.com/news/pressure_building_to_address_military_sexual_assault_in_defense_bill-224671-1.html

[35] Brendan McGarry, "Lawmakers Grill Officials Over Sex Assaults, Nukes," DODBuzz.com, May 8th, 2013, at http://www.dodbuzz.com/2013/05/08/lawmakers-grill-officials-over-sex-assaults-nukes/

Adult/Adolescent to brigades and equivalent units of the Armed Forces. It was later referred to the House Committee on Armed Service, Subcommittee on Military Personnel.

May 15, 2013 – **H.R. 2002**, Combating Military Sexual Assault Act of 2013, was introduced and referred to the House Committee on Armed Services. This bill is related to **S. 871**, and would provide any sexual assault victim with a special military lawyer who would assist them throughout the process, prohibit sexual contact between instructors and trainees during and within 30 days of completion of basic training or its equivalent, and ensure that sexual assault response coordinators are available to help members of the National Guard and Reserve.

May 15, 2013 – At a news conference, a U.S. senator stated, "clearly our system is broken," in response to the numerous sexual assault and sexual harassment cases in the armed services, including two cases involving service members who led programs that were supposed to prevent and respond to such attacks. The senator was flanked by other senators and House members backing legislation to let military prosecutors who are outside the chain of command decide whether to take cases to a court-martial. [36]

May 16, 2013 – **H.R. 2016**, Military Justice Improvement Act of 2013, was introduced and referred to the Committee on Armed Services. This bill would "require a commanding officer who receives a report of a sexual-related offense involving a member in such officer's chain of command to act immediately upon such report by way of referral to the appropriate criminal investigative office or service." This bill is related to **S. 538**, Military Sexual Assault Prevention Act of 2013, and **S. 967**, Military Justice Improvement Act of 2013.

May 16, 2013 – **S. 967**, Military Justice Improvement Act of 2013, was introduced, read twice, and referred to the Committee on Armed Services. This bill would require a commanding officer who receives a report of a sexual-related offense involving a member in such officer's chain of command to act immediately upon such report by way of referral to the appropriate criminal investigative office or service.

May 17, 2013 – **H.R. 671**, the Ruth Moore Act of 2013, was reported (Amended) by the Committee on Veterans' Affairs as **H.Rept. 113-63**, and placed on the Union Calendar, No. 38.

May 21, 2013 – **S. 992**, A bill to provide for offices on sexual assault prevention and response under the Chiefs of Staff of the Armed Forces, to require reports on additional offices and selection of sexual assault prevention and response personnel, and for other purposes. This bill was read twice and referred to the Committee on Armed Services.

May 22, 2013 – A House panel passed sweeping changes in sexual assault prevention programs with less command flexibility in reducing or dismissing rape and assault charges and wider support for victims. The House Armed Services Subcommittee on Military Personnel approved the personnel issues as part of **H.R. 1960**, the FY2014 Defense Authorization bill.[37]

[36] David Lerman and Gopal Ratnam, "Ex-Assault Cases Taken From Commanders Under Proposal," Bloomberg News, May 16, 2013, at http://www.bloomberg.com/news/2013-05-15/army-sergeant-said-to-get-soldier-to-work-as-prostitute.html

[37] House Armed Services Committee, Defense Drumbeat Blog at http://armedservices.house.gov/index.cfm/defense-drumbeat-blog?ContentRecord_id=7d082201-55c9-451b-be84-18b463cc14ed

May 22, 2013 – The Senate Appropriations Subcommittee on Defense held a hearing on the Army's Fiscal Year 2014 Budget Request. Witnesses included Secretary of the Army, John McHugh and Chief of Staff of the Army, General Raymond T. Odierno. U.S. Army Secretary McHugh announced at this hearing that the service will soon require soldiers being considered for sexual assault prevention jobs to undergo behavioral-health evaluations as a way of screening out potential sex offenders from these high-profile positions.[38] This was in response to a senator's question about the criteria for sexual assault prevention jobs. McHugh said that service record and availability are the only criteria commanders are using to fill these jobs since sexual-assault prevention positions do not fall under any military occupational specialty and lack any kind of career incentives.[39]

May 23, 2013 – **S. 1032**, Better Enforcement for Sexual Assault Free Environments Act of 2013, was introduced, read twice and referred to the Committee on Armed Services. This bill would amend title 10, United States Code, to make certain improvements in the Uniform Code of Military Justice related to sex-related offenses committed by members of the Armed Forces, and for other purposes.

June 4, 2013 – The House passed **H.R. 671**, the Ruth Moore Act of 2013, by voice vote. This bill recommends that the VA update its guidelines for handling disability claims related to sexual assault. The version that passed "ensures only that the VA will review its protocols for handling military sexual trauma," and it applies pressure on the VA to change them.[40]

June 4, 2013 – The uniformed chiefs of the Army, Navy, Air Force, Marine Corps, and Coast Guard appeared before a hearing of the Senate Armed Services Committee, Subcommittee on Military Personnel. These military leaders acknowledged that despite a "zero tolerance" for sexual abuse, they had neglected the "epidemic" in the ranks by not always monitoring subordinate commanders. Competing demands and pressures of fighting two wars in Iraq and Afghanistan over the past 12 years were also given by the Chairman of the Joint Chiefs of Staff, Army Gen. Martin Dempsey, as reasons for their lack of monitoring. They voiced support for legislative changes that would take tougher action against offenders and provide more support for victims of military sexual assault. However, they opposed a legislative proposal that would remove unit commanders' legal power to oversee major criminal cases and transfer that authority to uniformed prosecutors.[41] The Army Chief of Staff, Gen. Ray Odierno, noted that taking away commanders' authority in matters of military justice would adversely impact discipline and that "we cannot, however, simply 'prosecute' our way out of this problem. At its heart, sexual assault is a discipline issue that requires a culture change."[42]

June 4, 2013 – **S. 1092** was introduced, read twice, and referred to the Senate Armed Services Committee. This bill would amend title 10, United States Code, to require an Inspector General

[38] Matthew Cox, "Army to Screen Sexual Assault Prevention Leaders," Military.com, May 22, 2013, at http://www.military.com/daily-news/2013/05/22/army-to-screen-sexual-assault-prevention-leaders.html

[39] Ibid.

[40] Patricia Kime, "House OKs Easing VA Rules for Sex Assault Disability Claims," *Marine Corps Times*, June. 5, 2013, at http://www.marinecorpstimes.com/article/20130605/NEWS05/306050026/House-OKs-easing-VA-rules-sex-assault-disability-claims

[41] Craig Whitlock, "U.S. Military Chiefs Balk at Taking Sex-Assault Cases out of Commanders' Hands," *Washington Post*, June 5, 2013, at http://www.washingtonpost.com/world/national-security/us-military-chiefs-balk-at-taking-sex-assault-cases-out-of-commanders-hands/2013/06/03/0af4f976-cc85-11e2-ac03-178510c9cc0a_story.html?hpid=z1

[42] Ibid.

investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.

June 6, 2013 – The House Armed Services Committee passed **H.R. 1960**, the National Defense Authorization Act (NDAA) for Fiscal Year 2014, by a vote of 59-2. According to the Committee's FY14 NDAA Fact Sheet, "the FY14 NDAA would allow victims of sexual assault to apply for a permanent change of station or unit transfer, while authorizing the Secretary of Defense to inform commanders of their authority to remove or temporarily reassign service members who are the alleged perpetrators of sexual assault. It also requires the provision of victims' counsels, qualified and specially trained lawyers in each of the services, to be made available to provide legal assistance to the victims of sex-related offenses. The FY14 NDAA adds rape, sexual assault, or other sexual misconduct to the protected communications of service members with a Member of Congress or an Inspector General."[43]

June 14, 2013 – The House passed **H.R. 1960**, the FY2014 Defense Authorization bill, by a vote of 315 to 108 ((Roll no. 244). This bill includes a provision protecting victims of sexual assault in the Armed Forces as protected communications under military whistle-blower laws, to shield victims against retaliatory actions. The measure seeks to encourage more victims to report assaults, rape and other forms of sexual misconduct.

June 17, 2013 – H.R. 2397, "Department of Defense Appropriations Act, 2014," was introduced and referred to the House Committee on Appropriations. It was reported as an original measure, H.Rept. 113-113. Lawmakers wrote in this Committee report on p.15 (or PDF p.25) they are "outraged by the pervasive problem of sexual assault in the Armed Forces. Sexual assault is not just an issue in the military; it is an epidemic. To address it, the Committee believes that there must be a culture change at every level of the military, from the most senior leadership to the most junior ranks." Included is a measure that would provide $182 million for the Pentagon's Sexual Assault Prevention and Response Office (SAPRO) and for an expansion of a victim's counseling program. For fiscal 2013 year, the programs received $95 million. The bill includes $25 million that was not requested by the administration in a transfer account to expand assistance across the Defense Department. See p.17 (PDF p.27) in H.Rept. 113-113 for details.

June 20, 2013 – **S. 1197**, National Defense Authorization Act for Fiscal Year 2014, was introduced. This bill "authorizes appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes," and referred to the Committee on Armed Services. The original measure was reported to the Senate in Report No. 113-44 and placed on the Legislative Calendar under General Orders (Calendar No. 91). Included in this bill is Title V—Military Personnel Policy, Subtitle E—Sexual Assault Prevention and Response and Military Justice.[44]

June 21, 2013 – Two U.S. senators wrote a letter to VA Secretary Eric Shinseki to step up efforts to provide care and benefits for veterans who experienced sexual assault in the military. The letter

[43] House Armed Services Committee, *Fact Sheet: H.R. 1960 National Defense Authorization Act for Fiscal Year 2014*, June 6, 2013, at http://armedservices.house.gov/index.cfm/files/serve?File_id=4161cd66-5e41-4d4e-a98f-9cc1ddbcec91

[44] Senate Committee on Armed Services, Markup of the National Defense Authorization Act for Fiscal Year 2014, Press Release, June 14, 2013, at http://www.armed-services.senate.gov/press/upload/SASC_NDAA_06-14-13A.pdf

requested VA to ensure that sexual assault victims "receive the care and benefits needed to confront the emotional and physical consequences of this horrific experience."[45]

June 27, 2013 – H.R. 1864, a bill "To amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault," was agreed to/passed in the House, 423 - 0 (Roll no. 294).

July 19, 2013 – House Veterans' Affairs Committee, Subcommittee on Health, held a hearing on "Safety for Survivors: Care and Treatment for Military Sexual Trauma." Four service members testified that the military and VA failed to provide adequate, timely access to health services and counseling for sex assault victims. Earlier in July, the DoD Inspector General reported that more than 10 percent of sexual assault allegations within the military are not adequately investigated.[46]

July 22, 2013 – H.R. 2777, Stop Pay for Violent Offenders Act, was introduced "to amend title 10, United States Code, to authorize the Secretaries of the military departments to suspend the pay and allowances of a member of the Armed Forces who is held in confinement pending trial by court-martial or by civil authority for any sex-related offense or capital offense."

July 24, 2013 – H.Amdt. 408 to **H.R. 2397**, an amendment to provide funds to identify individuals who were separated from the military on the grounds of a disorder subsequent to reporting a sexual assault and, if appropriate, correcting their record. This amendment (A065) was agreed to by voice vote.

July 24, 2013 – **H.R. 2397**, "Department of Defense Appropriations Act, 2014," was passed/agreed to in House, 315 - 109 (Roll no. 414).

Table 1. Key Bills in the 113th Congress

Bill Number and Title	Date Introduced	Current Status
H.R. 430, Protect Our Military Trainees Act.	1/25/2013	2/21/2013: Referred to the House Committee on Armed Services, Subcommittee on Military Personnel.
H.R. 671/S. 294, Ruth Moore Act of 2013.	2/13/2013	6/4/2013: H.R. 671 Passed/agreed to in House by voice vote. 6/6/2013: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. 6/12/2013: Committee on Veterans' Affairs. Hearings held on. S. 294
S. 548, Military Sexual Assault Prevention Act of 2013.	3/13/2013	3/13/2013: Read twice and referred to the Senate Committee on Armed Services.
H.R. 1593, Sexual Assault Training Oversight and	4/17/2013	4/17/2013: Referred to the House Committee on Armed Services. 5/6/2013: Referred to the Subcommittee on Military Personnel.

[45] Senate Committee on Veterans' Affairs, "Senators Say VA Must Do More for Military Sex Assault Victims," June 21, 2013, at http://www.veterans.senate.gov/press-releases.cfm?action=release.display&release_id=84cf030a-96c7-469b-a7cf-9bc4300e5cd9

[46] DOD Inspector General, *Joint Warfighting and Readiness Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations*, July 9, 2013, at http://www.dodig.mil/pubs/report_summary.cfm?id=5227

Bill Number and Title	Date Introduced	Current Status
Prevention (STOP) Act.		
S. 871, Combating Military Sexual Assault Act of 2013.	5/7/2013	5/7/2013: Read twice and referred to the Senate Committee on Armed Services.
H.R. 1864, To amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.	5/7/2013	6/27/2013: Passed/agreed to in House, 423 - 0 (Roll no. 294). 7/8/2013 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Armed Services.
H.R. 1867, Better Enforcement for Sexual Assault Free Environments Act of 2013 (BE SAFE Act).	5/8/2013	6/8/2013: Referred to the House Committee on Armed Services. 6/20/2013: Referred to the Subcommittee on Military Personnel.
H.R. 1960, National Defense Authorization Act for Fiscal Year 2014.	5/14/2013	6/14/2013: Passed/agreed to in House by recorded vote: 315 - 108 (Roll no. 244). 7/8/2013 Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 126.
H.R. 2002, Combating Military Sexual Assault Act of 2013 (related to S. 871).	5/15/2013	5/15/2013: Referred to the House Committee on Armed Services. 6/20/2013: Referred to the Subcommittee on Military Personnel.
H.R. 2016/S. 967, Military Justice Improvement Act of 2013.	5/16/2013	5/16/2013: H.R. 2016 Referred to the House Committee on Armed Services. 6/20/2013: Referred to the Subcommittee on Military Personnel. 5/16/2013: S.967 Read twice and referred to the Senate Committee on Armed Services.
S. 1032/H.R. 2207, Better Enforcement for Sexual Assault Free Environments Act of 2013 (BE SAFE Act), related to H.R.1867.	5/23/2013	5/23/2013: S.1032 Read twice and referred to the Senate Committee on Armed Services. 5/23/2013: H.R.2207 Referred to the House Committee on Armed Services.
S. 1092, A bill to amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.	6/4/2013	6/4/2013: Read twice and referred to the Senate Committee on Armed Services.
H.R. 2397, Department of Defense Appropriations Act, 2014	6/17/2013	6/17/2013 The House Committee on Appropriations reported an original measure, H. Rept. 113-113. 7/24/2013 Passed/agreed to in House 315 - 109 (Roll no. 414).
S. 1197, National Defense Authorization Act for Fiscal Year 2014	6/20/2013	6/20/2013 Committee on Armed Services. Original measure reported to Senate with written report No. 113-44. Placed on Senate Legislative Calendar under general Orders (Calendar No. 91).
H.R. 2777, Stop Pay for Violent Offenders Act.	7/22/2013	7/22/2013: Referred to the House Committee on Armed Services.

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Resources

Below are selected sources related to the events and legislation in this report.

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Department of Defense

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Sexual Assault Prevention and Response Organization (SAPRO) at http://www.sapr.mil/ Includes the full text of DOD *Annual Reports,* FY2004 - FY2012, and reports on *Sexual Harassment and Violence at the U.S. Military Service Academies,* Academic Program Years (APY) 2005-2012. There are also links to each of the services' sexual assault prevention and response offices at the bottom of the website.

Sexual Assault Prevention and Response Initiatives at http://www.defense.gov/news/DoDSexualAssaultPreventionandResponseInitiatives.pdf

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DOD Has Taken Steps to Meet the Health Needs of Deployed Servicewomen, but Actions Are Needed to Enhance Care for Sexual Assault Victims, GAO-13-182, January 29, 2013, 40 p. http://www.gao.gov/assets/660/651624.pdf

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Preventing Sexual Harassment: DOD Needs Greater Leadership Commitment and an Oversight Framework, GAO-11-809, Sep 21, 2011, 47 p. http://www.gao.gov/assets/590/585344.pdf

Military Justice: Oversight and Better Collaboration Needed for Sexual Assault Investigations and Adjudications, GAO-11-579, Jun 22, 2011, 42 p. http://www.gao.gov/products/GAO-11-579

VA Health Care: Actions Needed to Prevent Sexual Assaults and Other Safety Incidents, GAO-11-530, June 7, 2011, 78 p. http://www.gao.gov/assets/320/319342.pdf

Veterans Affairs (VA)

Military Sexual Trauma (MST) website at http://www.mentalhealth.va.gov/msthome.asp MST is the term that the VA uses to refer to "sexual assault or repeated, threatening sexual harassment that occurred while the veteran was in the military." Both men and women can experience MST during their service. This site also offers links to provide support for MST victims and guidance on reporting MST using the online tools: After Deployment, MyDuty.mil and the DOD Safe Line, under the tab "Other Resources."

Disability Compensation for Personal Assault or Military Sexual Trauma (MST) Fact Sheet at http://benefits.va.gov/BENEFITS/factsheets/serviceconnected/MST.pdf

White House

Press Office, Official Statements and News Releases at http://www.whitehouse.gov/briefing-room/statements-and-releases

Selected Articles, Studies and Reports

Military.com has an ongoing list of the latest news on incidents of military sexual assault across the U.S. armed services at http://www.military.com/topics/sexual-assault.

News Articles

Note: The following news sources are listed in chronological order to make it easier to follow the numerous incidents and cases reported in the media since June 2012.

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Sexual Assault in the Military, Center for Deployment Psychology at http://deploymentpsych.org/topics-disorders/sexual-assault-in-the-military. This website offers links to related publications on posttraumatic stress disorder (PTSD) as a consequence of sexual assault and links to non-government resources.

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